IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.822 OF 2007

Aurochem Laboratories (India)
Pvt.Ltd. .. Petitioner
V/s
Union of India & Ors. .. Respondents

WRIT PETITION NO.823 OF 2007

Aurochem Laboratories (India)
Pvt.Ltd. .. Petitioner
V/s

Union of India & Ors. .. Respondents

Mr.Prakash Shah i/by M/s.PDS Legal for the Petitioner.
Ms.S.V.Bharucha with Mr.N.D.Sharma for the Respondents.

CORAM : DR.S.RADHAKRISHNAN &
V.C.DAGA, JJ.

DATE : 12th April, 2007.

P.C.:

1. Rule in both Petitions. Rule is made returnable forthwith. The learned Counsel for the Respondents waive service. By consent, both the Petitions are taken up for hearing.

2. In both the above petitions, the Petitioners are challenging the orders in original dated 19th May, 2005 mainly on the ground tht the said orders were passed by the Joint Director General of Foreign Trade without affording a fair opportunity of personal hearing to the Petitioners, in the sense no notices were served to the Petitioners before passing of the said orders dated 19th May, 2005. The learned Counsel for the Respondents is unable to controvert the aforesaid fact. Over and

above, aggrieved by the aforsaid orders, the Petitioners had preferred Appeals before the Additioinal Director General of Foreign Trade, and the learned Additional Director General of Foreign Trade by her order dated 12.12.2006 has dismissed the said Appeals solely on the ground that the Appeals were time barred.

2. The main contention of the learned Counsel for the Petitioners is that the Petitioners were not given any notice before passing of the orders in original and as such the said orders in original were an exparte orders.

4. In the facts and circumstances of the case, we quash and set aside the orders in original dated 19th May, 2005 and also quash and set aside the consequential orders dated 12th December, 2006 so far as both the Petitions are concerned, and accordingly remand back both the matters to the Joint Director General of Foreign Trade. The Joint Director General of Foreign Trade to decide both the matters afresh strictly on their own merits and in accordance with law, after affording an opportunity of personal hearing to the Petitioners in both the matters.

5. Both the Petition stands disposed of accordingly.

(V.C.DAGA, J.) **(DR.S.RADHAKRISHNAN,J.)**